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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,468	09/25/2001	Timothy Heighway	PD990017	9487

7590 02/23/2006  
Joseph S Tripoli  
Thomson multimedia Licensing Inc  
CN 5312  
Princeton, NJ 08543-0028

EXAMINER

LEE, CHRISTOPHER E

ART UNIT PAPER NUMBER

2112

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/937,468	Applicant(s) HEIGHWAY ET AL.	
	Examiner Christopher E. Lee	Art Unit 2112	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 25 and 27.  
Claim(s) objected to: 2,3,8,13,14 and 20.  
Claim(s) rejected: 1,4-7,9-12,15-19,21-24 and 26.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
Christopher E. Lee  
Patent Examiner  
Art Unit: 2112

Continuation of 11. does NOT place the application in condition for allowance because: In response to the Applicants' argument with respect to the Reference Bunting in the record does not teach or suggest isochronous data, as well known in the art, in the Response pages 8-10, the Examiner respectfully disagrees.

Bunting discloses a digital television signal processing system in Fig. 1, wherein a packet alignment flag is inserted into an MPEG code word bitstream to signify the presence of a group of pictures (See Bunting, Abstract). As the Applicants admitted, the term "isochronous" is well known to mean a time characteristic of an event or signal recurring at known periodic interval (See the Response, page 8, lines 3-4). However, the term "isochronous" never means the data arising with approximately the same size each time according to the IEEE Standards Terms dictionary (IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, 7th Edition, page 591, "isochronous") in contrary to the Applicants' assertion (See the Response, page, lines 8-9). In other words, the term "isochronous" matters nothing to the data size according to the IEEE Standards Terms dictionary. Therefore, it is clear that Bunting's invention is closely related with the isochronous signal processing for HDTV system (i.e., HDTV video/audio signal with uniform in time and recurring at regular intervals, as well known in the art; See page 1, lines 5-9 and page 16, lines 32-34).

Furthermore, the Applicants assert that Bunting does not show isochronous signals as well known in the art because of requiring the use of signal delay network (See the Response, page 8, lines 11-15). However, the signal delay network is for assuring that the output signals applied to units 10 and 12 in the digital TV processing system in Fig. 1 exhibit proper time synchronism, which matters little to showing the attribute of signals, i.e., isochronous, asynchronous, or synchronous, etc. Thus, the Applicants' argument on this point is not persuasive..